

NUNC PRO TUNC

JUN 27 2008

FILED

1 WILLIAM JOHN DAUGHTERY

2008 JUL -3 AM 10:21

2 CDCR# F79985

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

3 P.O. BOX 2349/DIO-1/0UP

4 CHUCKAWALLA VALLEY STATE PRISON

BY                      DEPUTY

5 BLYTHE, CALIFORNIA 92226

6  
7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
9

10 WILLIAM JOHN DAUGHTERY, ) CIVIL CASE NO. 08 CV 0408 WQH (BLM)

11 PLAINTIFF, V. ) MOTION AND REQUEST FOR ISSUANCE

12 DENNIS WILSON, S.D.P.D.,

OF CIVIL SUBPOENA (DUCES

13 ES MERALDA TAGARAN, S.D.P.D.,

TECUM) FOR PRODUCTION OF

14 SGT. GRIFFIN, S.D.P.D.,

DOCUMENTS AS DISCOVERY AND

15 DET. LEMUS, S.D.P.D.,

EXHIBITS FOR JURY TRIAL

16 CITY OF SAN DIEGO,

WITH DECLARATIONS AND PROOF

17 SAN DIEGO POLICE DEPT.

OF SERVICE.

18 DEFENDANTS

19 DATE: 19 JUNE 2008  
20

21 I, WILLIAM JOHN DAUGHTERY, PETITIONER AND PLAINTIFF  
 22 IN THE ABOVE ACTION, PROCEEDING PRO SE AND IN  
 23 FORMA PAUPERIS, DO HEREBY REQUEST AND MOVE THAT  
 24 THE COURT ORDER THE PRODUCTION OF THE BELOW LISTED  
 25 DOCUMENTS, RECORDS AND MATERIALS, INCLUDING ALL  
 26 PRESERVED BY MEANS MECHANICAL, ELECTRONIC OR  
 27 OTHERWISE, AND THAT SAID DOCUMENTS BE DELIVERED  
 28 INTO THE CUSTODY OF THE PLAINTIFF, PURSUANT

CONTINUED

WILLIAM JOHN DAUGHTERY V. D. WILSON, ETAL.  
CIVIL CASE NO.  
08 CV 0408 WQH(BLM)

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DATE:

1 MOTION AND REQUEST FOR ISSUANCE OF SUBPOENA  
2 PRODUCTION OF DOCUMENTS AS DISCOVERY

3  
4 TO FEDERAL RULES OF CIVIL PROCEDURE, RULE(S) 45  
5 26, 37 AND 34. THE PARTY NAMED BELOW HAS

6 CONTROL AND POSSESSION OR WILL ACQUIRE POSSESSION  
7 OF THE FOLLOWING LISTED DOCUMENTS OR MATERIALS

8 WHEREAS THEY ARE MATERIAL TO THE PROOF OF  
9 THE ISSUES INVOLVED IN THIS CASE. GOOD CAUSE

10 EXISTS FOR THE PRODUCTION OF MATERIALS AND NOTE  
11 OF RELEVANCE AND PROBATIVE VALUE FOLLOWS DESCRIPTION

12 OF EACH REQUESTED ITEM. THE COURT IS REQUESTED  
13 TO IMPLEMENT THE PRESCRIBED PENALTIES FOR

14 FAILURE TO COMPLY WITH ITS ORDER. (FRCP 37)

15 AND IT IS FURTHER REQUESTED THAT PRODUCTION AND  
16 DELIVERY BE PERFORMED WITHIN A REASONABLE PERIOD,

17 AND AS PETITIONER IS IN FORMA PAUPERIS, THAT

18 ALL FEES INCURRED IN ISSUING AND SERVICE OF SUBPOENA

19 BE BORNE AND ADVANCED BY THE UNITED STATES

20 PENDING SUCCESSFUL SETTLEMENT OR VERDICT.

21 IN THE CASE OF MEDICAL RECORDS OF REQUESTOR; ALL LEGAL

22 CLAIMS REGARDING PRIVACY ISSUES ARE HEREBY RELINQUISHED

23 AND POSSESSOR IS NOT HELD LIABLE FOR OBEDIENCE TO COURT'S

24 COMMAND TO PRODUCE. WRITTEN OBSERVATIONS AND CONCLUSIONS MAY

25 BE SUBSTITUTED IN LIEU OF RADIOGRAPHIC (INCLUDING SONOGRAMS &

26 X-RAYS) IF REPRODUCTION OF SUCH IMPOSES UNDUE BURDEN AND

27 EXPENSE.  
28

WILLIAM DAUGHTERY  
CDCR#79985  
PO. Box 2349/DIO-11047  
BLYTHE, CA. 92226

RE: 08CV0408 WQH(BLM)

PAGE 3

REQUEST for CIVIL SUBPOENA DUCES TECUM

FEDERAL RULES of CIVIL PROCEDURE RULE 45(a)(1)(C) & (D)

ADVISEMENT TO SUBPOENAED

F.R.C.P. 45(a)(1)(C)

COMBINING OR SEPARATING COMMAND TO PRODUCE OR PERMIT  
INSPECTION, SPECIFYING THE FORM FOR ELECTRONICALLY STORED  
INFORMATION; A COMMAND TO PRODUCE DOCUMENTS, ELECTRONICALLY  
STORED INFORMATION OR TANGIBLE THINGS OR TO PERMIT THE  
INSPECTION OF PREMISES MAY BE INCLUDED IN A SUBPOENA  
COMMANDING ATTENDANCE AT A DISPOSITION HEARING, OR TRIAL  
OR MAY BE SET OUT IN A SEPARATE SUBPOENA. A SUBPOENA MAY  
SPECIFY THE FORM OR FORMS IN WHICH ELECTRONICALLY STORED  
INFORMATION ~~IS~~ IS TO BE PRODUCED.

F.R.C.P. 45(a)(1)(D)

COMMAND TO PRODUCE; INCLUDED OBLIGATIONS: A COMMAND  
TO PRODUCE DOCUMENT, ELECTRONICALLY STORED INFORMATION  
OR TANGIBLE THINGS REQUIRES THE RESPONDING PARTY  
TO PERMIT INSPECTION, COPYING, TESTING OR SAMPLING  
OF THE MATERIALS.

THE COURT IS REQUESTED TO COMMAND THE PRODUCTION AND  
DELIVERY TO MOVANT THE FOLLOWING DESCRIBED MATERIALS;  
INCLUDING THOSE MECHANICALLY AND/OR ELECTRONICALLY  
STORED:

WILLIAM DAUGHTERY  
F-79985 CDCR #  
P.O. Box 2349  
BLYTHE, CA. 92226

RE: 08CV0408 WQH (BLM) PAGE 4

REQUEST FOR CIVIL SUBPOENA (DUCESS TECUM)

ITEMS TO BE PRODUCED:

I. MEDICAL

ALL MEDICAL RECORDS FOR THE ABOVE NAMED

INDIVIDUAL FOR THE PERIOD (DATE)

UNTIL (DATE)

II. PSYCHOLOGICAL

ALL PSYCHOLOGICAL RECORDS FOR THE ABOVE NAMED

INDIVIDUAL FOR THE PERIOD (DATE)

UNTIL (DATE)

THIS REQUEST ACTS AS **RELEASE** OF MEDICAL INFORMATION  
CONSENT BY THE PATIENT / PLAINTIFF IN THIS ACTION!

THE REQUESTED ITEMS ARE MAINTAINED AT:

CHUCKAWALLA VALLEY STATE PRISON - MEDICAL DEPARTMENT (Re: F79985)  
(F-79985)

19025 WILEY'S WELL ROAD

BLYTHE, CALIFORNIA 92225

A COPY OF THIS DOCUMENT HAS BEEN MAILED TO ATTORNEYS FOR  
DEFENDANTS AND I CERTIFY AND SWEAR THE FOREGOING IS TRUE.

MICHAEL S. AGURAE, CITY ATTORNEY

C/O WENDY DAVISSON, DEPUTY CITY ATTY.

1200 THIRD AVE, SUITE 1100

SAN DIEGO, CA. 92101

WILLIAM DAUGHTERY

DATE: 19 JUNE 2008